IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1353

WILLIAM A. BURLESON,

Petitioner,

v.

ROBERT L. FRIEDLI, AUGUST WOLFF, and
JOSEPH J. PASTORE
Trading as Friedli, Wolff & Pastore,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

RICHARD ARENS,
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THE CASILLAS PRESS, INC.—1717 K Street, N. W.—Washington, D. C.—223-1220

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IN THE

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OCTOBER TERM, 1976

No.

WILLIAM A. BURLESON,

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v.

ROBERT L. FRIEDLI, AUGUST WOLFF, and
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Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

Petitioner, William A. Burleson, respectfully prays that a writ of certiorari issue to review the judgment, District of Columbia Court of Appeals filed in this proceeding on November 21, 1975, and order denying petitioners request for reconsideration and hearing en banc, filed on December 23, 1975.

Petitioner is the Appellant-Defendant in the Proceeding below.

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OPINIONS BELOW

A. On November 21, 1975, a two member panel of the District of Columbia Court of Appeals, entered a judgment, without opinion, summarily affirming the order on appeal from the Superior Court of the District of Columbia. See App. No. 3a). The General Docket, D.C. Court of Appeals, entry dated November 21, 1975, reflects a judgment affirming order of the trial court without opinion [See App. No. 9a]. On December 23, 1975, a petition for hearing and reconsideration was denied. (See App. No. 2a). On June 20, 1975, Appellant's Suggestion For Certification of Question to Supreme Court of United States was denied. (See App. No. 5a).

1. The order on appeal was a praecipe signed by the trial judge and counsel for the Respondent. The praecipe was not signed by the Petitioner, nor did he receive notice of its existence until it was filed as an exhibit while the matter was on appeal. The praecipe was not file stamped, not included in the record below, represented facts which are not true, and the propriety of its existence was questioned in the Appellant Court. On June 10, 1975, the attorney for the appellee submitted a pleading to the D.C. Court of Appeals entitled, *Response of Appellees to Appellant's Opposition to Appellees' Reply to Appellant's Suggestion for Certification of Question to Supreme Court,* with the praecipe attached and marked as Exhibit A.

The praecipe, which is dated December 16, 1974, reads as follows: (See App. No. 13a):

BLEED THROUGH

"The clerk of said court will release to plaintiff's attorney the monies deposited into the Registry of the Court in the above-captioned case pursuant to the Settlement Agreement entered into on November 7, 1974, by consent of all counsel and the court."

/s/ JUDGE EDWARD A. BEARD /s/ WILLIAM R. KEARNEY, Esq.
Attorney for Plaintiffs

2. Money was deposited in the Registry of the Superior Court pursuant to court order dated June 28, 1974, and was deposited pending an adjudication of the legality and reasonableness of charges for copies of transcripts of depositions pursuant to Superior Court Civil Rule 30 (f)(2), adopted from the identical Federal Civil Rule 30(f)(2).

3. The praecipe refers to a "settlement agreement" between the parties which does not exist in law or fact and the "settlement agreement" bears no signatures indicating that it was ever agreed to by any party (See App. No. 11a). Petitioner states that the praecipe cannot be used in place of a court order, but was treated as such when the trial judge ordered the money turned over to the counsel for the Appellee.

4. On November 7, 1974, the trial judge made a decision on the amounts charged by the plaintiffs:

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> "The charges made by plaintiffs, (Private Shorthand Reporters), for preparation and delivery of copies of transcripts of depositions is a fair and reasonable one, competitive in the prevailing market and in accord with the pricing policies in effect in the area." (Appellee pays $0.05 for a 22 line copy page and sells it for $0.85.)

a. The Petitioner appealed from this decision and the trial judge filed a minute entry into the record stating that he had never made any findings of fact or conclusions of law.

JURISDICTION

Jurisdiction of this Court in invoked pursuant to Title 28, United States Code, Section 1257, as amended to July 29, 1970, Public Law 91-358, Title I, Section 172(a)(1), 84 Stat. 590. The JUDGMENT of the appellate court was entered November 21, 1975; and a petition for reconsideration and hearing en banc was timely filed, and denied December 23, 1975:

> "On consideration of appellant's petition for reconsideration and hearing en banc, it is
>
> ORDERED that appellant's aforesaid petition is denied."

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QUESTIONS PRESENTED

1. Did the proceedings below whereby the Petitioner was required to immediately assume his own defense in the middle of his direct testimony on the witness stand, without any opportunity for preparation, after having been excluded from earlier bench conferences and communications between judge and counsel; whereby a purported "settlement agreement" was dictated by the trial judge but never signed by either party; whereby the monies paid into the Court Registry were released pursuant to a praecipe, without a file stamp and referred to as an "order" and signed by the trial judge and counsel for the Plaintiff-Respondent, and of whose existence Petitioner did not learn until six months later; whereby certain prejudicial remarks were made by the trial judge both in and outside the presence of the jury; whereby the D.C. Court of Appeals summarily affirmed the "order" on appeal and refused Petitioner's request for reconsideration and hearing en banc, deny the Defendant-Petitioner the right to due process of law as guaranteed under the Fifth Amendment of the Constitution of the United States?

2. Was the trial court correct in its interpretation of Civil Rule 30(f)(2), in which the trial court found that reasonable charges for a copy of a party's deposition should be determined by competitive business practices in which the appellee (stenographer) payed $0.05 for a 22 line copy page and sold it for $0.85.

3. In the absence of any interpretation of Civil Rule 30 (f)(2), by any Federal Court, was the District of Columbia Court of Appeals correct in its denial of Appellant's Suggestion for Certification of Question to the United States Supreme Court in determining a reasonable charge for a copy of a deposition as provided in Federal Rules of Civil Procedure 30(f)(2) and the identical District of Columbia Superior Court Civil Rule 30(f)(2)?

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4. Was the Appellant Court correct in finding that the trial court issued an order, that Petitioner appealed from an order, and in summarily affirming that order on appeal?

STATUTES INVOLVED

FIFTH AMENDMENT, U.S. Constitution:

> "No person shall . . . be deprived of life, liberty, or property, without due process of law . . . ."

28 U.S. Code, Section 1257-(3):

> By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

RULES INVOLVED

Supreme Court Rules 19 (1) (a) 20, 28.
Federal Rules of Civil Procedure 30(f)(2), and the identical, Superior Court Rules of Civil Procedure 30(f)(2) state:

> *Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.*

STATEMENT OF THE CASE

On February 15, 1974, the Respondents, (a private stenographer association), filed a small claims debt action against the Petitioner, (an attorney), demanding money for payment of second copies of transcripts furnished Plaintiffs' clients, whose cases were being litigated, and who had been deposed by their adversaries, the contractors of the Respondents.

The Petitioner obtained counsel who filed a defense and counterclaim and asked for trial by jury. During the course of these proceedings, some of Petitioners' clients' cases were being adjudicated, and by formal motion Petitioner's counsel moved to deposit those sums alleged to be owed to Respondent, into the Registry of the Court, pending adjudication and determination as to the legality and reasonableness of Petitioners' charges pursuant to D.C. Superior Court Rule 30(f)(2). The Respondent did not object to the motion and a Superior Court judge granted it on June 28, 1974. Money is still being deposited into the Court Registry pending a final adjudication.

Retained counsel (no. 14a of appendix) represented the Petitioner for two and a half years in this lengthy and complex case. The trial commenced on November 5, 1974, and on Friday, November 7, 1974, Petitioners' counsel, during his direct examination of the Petitioner, withdrew his representation of the Petitioner, alleging that the behavior of the trial judge had destroyed his effectiveness in front of the jury. The trial judge had previously ruled that the Petitioner not act as his counsel and prohibited petitioner from being present at bench conferences and communications between judge and counsel.

The Petitioner was unprepared to assume the responsibility of representing himself before the jury and requested a continuance, which was denied. Defendant-Petitioner was required to immediately resume the stand and examine himself. Counsel for Respondent objected to the withdrawal of counsel for the Defendant stating that it was unethical for a Defendant lawyer to handle his own case when he had to take the stand. At 12:40 P.M. of the same day, the court recessed for lunch until 2:00 P.M. At 2:21 P.M., the court reconvened and the trial judge caused the court reporter not to put nine minutes of court proceedings in the record. The trial judge then dictated a "settlement agreement" into the record, and then told the counsel for Respondents and the Petitioner to initial the stenotape. The trial judge ordered the court reporter to type up a "settlement agreement," and for the Petitioner to report to the court reporter's office on Monday, November 10, 1974, for the purpose of signing the "settlement agreement." On November 10, 1974, Petitioner refused to sign the "settlement agreement", in that it did not conform to what had transpired in the court proceedings of November 7, 1974. The original steno-notes were not read back by the reporter, and the record reflects that nine minutes of these notes, which immediately preceded the "settlement agreement"; were missing. The trial judge did in fact make a decision, gave Petitioner ten days to prepare an order, would not set a supersedeas bond, and ruled the Petitioner would not be closed out from appealing his finding of reasonableness of charges for copies of depositions.

Accordingly, Petitioner did prepare a praecipe of dismissal and a proposed court order, which the trial judge refused to sign. The parties, including the trial judge, refused to sign the "settlement agreement", and for thirty days thereafter, the trial judge refused all motions to amend, clarify, re-hear, reconsider, or clear up the confusion.

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Throughout the course of the proceedings in the trial court, a circus-like atmosphere prevailed: the trial judge stated that Petitioners' clients were third graders and advised Petitioner to take the fifth amendment. He stated that this case was a bag of worms for years to come; he had made fifty-five errors for appeal; told the Petitioner not to use LSD, that the Petitioner could not get Eli Root or Earl Warren to represent him and the Petitioner was not signing on behalf of the Administration or Senator Mansfield. The trial judge stated the reporter committed omissions in the transcript, and asked him if he could transcribe accurate dictation. The trial judge criticized his reversal of a case before the Court of Appeals and said he would like to see one of them down here and do it. He told the Petitioner he would see an elephant roosting in a tree.

On December 5, 1974, the notice of appeal was filed with the District of Columbia Court of Appeals. On April 17, 1975, counsel for Petitioner filed a Motion for Extension of Time to File Appellant's Brief. On May 20, 1975, the Petitioner, through his attorney, and pursuant to Rule 28 of the United States Supreme Court, filed a Suggestion for Certification of Question to the Supreme Court in determining a reasonable charge for a copy of a deposition, as provided in FRCP 30(f)(2). Respondent's reply to Petitioner's Suggestion for Certification was filed on May 24, 1975. Petitioner's Opposition to Respondent's Reply was filed on June 2, 1975. On June 10, 1975, Respondent filed a Response of Appellee to Appellant's Opposition to Appellees' Reply to Appellant's Suggestion for Certification of Question to Supreme Court, with attached praecipe, marked as exhibit A, (No. 13a in Appendix). This response and praecipe filed by Respondent is not part of the General Docket, District of Columbia Court of Appeals. (See No. 7a, in Appendix) On June 20, 1975, Petitioner's Suggestion for Certification of Question to the Supreme Court was denied.

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On December 13, 1974, Petitioner informed the court that he intended to retain counsel to represent him in his appeal, and present counsel has represented the Petitioner during the pendency of this appeal (No. 10a of Appendix).

On September 2, 1975, Respondent filed its Motion for Summary Affirmance. The Motion was accompanied by an unsigned, undated "settlement agreement", also marked as Exhibit A (No. 11a, Appendix). On November 21, 1975, the Appellate Court, after consideration of Appellee's Motion for Summary Affirmance, affirmed the order on appeal. [The General Docket refers to the judgment affirming the order of the trial court without opinion.]

The Appellate Court did not acknowledge counsel for the Petitioner until he received a copy of a letter dated January 15, 1976, sent to the Clerk, Supreme Court of the United States, informing the Clerk that the Appellate Court intended to keep the record of these proceedings until requested by said Clerk.

REASONS FOR GRANTING THE WRIT

A. Petitioner has stated that not only was he denied due process of law and equal treatment under the law, but he felt that an assault was committed upon his integrity, his client's integrity, and the integrity of the judicial process, in which they sought relief.[1]

---

[1] *Snyder v. Mass., 291 U.S. 97 (1934), Page 105.* The Commonwealth of Massachusetts is free to regulate the procedure of its courts in accordance with its own conception of policy and fairness unless in so doing it offends some principle of justice so rooted in the traditions and conscious of our people as to be ranked as fundamental.

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B. One of the questions presented to this Court concerns itself with the development of standards and criteria in the interpretation of Superior Court Civil Rule 30(f)(2), upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to any party or to the deponent. Superior Court Civil Rule 30(f)(2) and Federal Civil Rule 30(f)(2) are identical and this Court is being called upon to establish standards and criteria effecting private stenographic court reporting. This Court's decision will have far reaching implications, and will result in the development of these standards and criteria as a precedent in jurisprudence.

C. The interpretation of this rule, which is identical to Federal Civil Rule 30(f)(2), has never been determined or ruled upon by the Supreme Court or any lower Federal Court. This absence of interpretation has resulted in a lack of uniformity for charges for copies of depositions.

D. Money is in the Registry of the Superior Court and additional sums are being deposited pending final interpretation of Civil Rule 30(f)(2), under which Respondents took approximately 4,000 depositions in our area courts in 1973.

CONCLUSION

For the reasons herein, the Petitioner asks that the Petition for a Writ of Certiorari to the District of Columbia Court of Appeals be granted.

Respectfully submitted,

Richard Arens,
Michael C. McGoings #193-185
Attorney for Petitioner
1000 Pennsylvania Ave., S.E.,
Washington, D.C. 20003

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APPENDIX

2a Order, District of Columbia Court of Appeals, denying Appellant's Petition for Reconsideration and Hearing En Banc, filed December 23, 1975.

3a Judgment, District of Columbia Court of Appeals, affirming Order on Appeal, filed November 21, 1975.

5a Order denying certification of question to Supreme Court, filed June 20, 1975.

7a General Docket, District of Columbia Court of Appeals, #9103.

10a Praecipe entering appearance of Attorney for Defendant, D.C. Court of Appeals.

11a Unsigned, undated, "settlement agreement".

13a Praecipe, Superior Court of the District of Columbia dated December 16, 1974, releasing to Plaintiff's Attorney the monies deposited into the Registry of the Court.

14a Praecipe entering appearance of attorney for defendant, D.C. Superior Court.

District of Columbia Court of Appeals

[Filed December 23, 1975]

No. 9103 January Term, 1975

* * * * *

O R D E R

On consideration of appellant's petition for reconsideration and hearing en banc, it is

ORDERED that appellant's aforesaid petition is denied.

PER CURIAM

Copies to:

Honorable Edward A. Beard
Judge, Superior Court of the District of Columbia

Clerk, Superior Court of the District of Columbia

William A. Burleson
1000 Pa. Ave., S.E.
Washington, D.C. 20003

William R. Kearney, Esquire
Morton N. Goldstein, Esquire
22 West Jefferson Street
Rockville, MD 20850

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DISTRICT OF COLUMBIA
COURT OF APPEALS

[Filed November 21, 1975]

No. 9103

WILLIAM A. BURLESON,
Appellant,
v.
ROBERT L. FRIEDLE, *et al.*,
Appellees.

CA-4672-74

BEFORE: Kelly and Yeagley, Associate Judges.

JUDGMENT

This cause came on for consideration on appellees' motion for summary affirmance, the responsive pleadings filed with respect thereto, and the court having reviewed the record on appeal and appellant's brief filed herein, it is

ORDERED and ADJUDGED that the order on appeal herein is hereby affirmed.

PER CURIAM.

FOR THE COURT:

/s/ ALEXANDER L. STEVAS
Alexander L. Stevas, Clerk.

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Copies to:

Honorable Edward A. Beard
Judge, Superior Court of the District of Columbia.
Clerk, Superior Court of the District of Columbia.

William A. Burleson, Esquire
1000 Pennsylvania Avenue, S.E. 20003

Messrs, Kearney and Goldstein
22 West Jefferson St., Rockville, MD 20850

EXHIBIT #2

DISTRICT OF COLUMBIA
COURT OF APPEALS

[Filed June 20, 1975]

No. 9103

WILLIAM A. BURLESON,	:	
Appellant,	:	
v.	:	**CA-4672-72**
ROBERT L. FRIEDLI, *et al.,*	:	
Appellees.	:	

BEFORE: Reilly, Chief Judge and Yeagley, Associate Judge.

ORDER

On consideration of appellant's suggestion for certification of question to the Supreme Court and the responsive pleadings thereto, it is

ORDERED that the aforesaid suggestion be, and the same is hereby, denied.

Appellant shall cause his brief to be filed forty days from date of this order.

PER CURIAM.

Copies to:

Honorable Edward A. Beard
Judge, Superior Court of the District of Columbia.

Clerk, Superior Court of the District of Columbia.

William A. Burleson
1000 Penn. Ave., S.E. (3)
Appellant.

William R. Kearney, Esquire
Morton N. Goldstein, Esquire
22 West Jefferson Street
Rockville, MD 20850
Attorneys for Appellees.

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GENERAL DOCKET 9103

DISTRICT OF COLUMBIA
COURT OF APPEALS

* * * * *

12/27/74	Preliminary record
12/27/74	Motion of appellant for transmittal of original papers & exhibits (m-26)
1/ 6/75	Response of appellees' to motion for transmittal of original papers & exhibits (m-6)
1/23/75	ORDER causing the Clerk of the Superior Court to transmit the orig. file and exhibits to the Clerk of this Court at the time the record on appeal is transmitted pursuant to the designation of record which the Clerk of the Superior Court is directed to file. (ky)
2/ 6/75	Transcript of record (102 pages of transcript) and depositions (RTC) Original file and Exhibits from Superior Court (jacket from trial crt)
3/26/75	Supplemental record (398 pages of transcript) (n)
4/16/75	Supplemental Record No II (42 pages of transcript) (n)
4/18/75	Motion of appellant requesting additional records and to extend time to file brief to June 2. (m-17)
4/21/75	Supplemental record III (13 pages of transcript) (n)
4/24/75	Reply of appellees to motion to extend time to file brief to June 2 and motion requesting additional records. (m-21)
5/21/75	Suggestion of appellant for certification of question to Supreme Court (m-20)

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5/28/75	Motion of appellant to extend time to file brief to 40 days after action on suggestion for certification (m-27)
5/27/75	Order extending appellant's time to file his brief to June 2, and the Office of the Court Reporter shall maintain all notes and tape recordings and make available to counsel for the appellant and the appellees the tape recording of November 7. (Ky)
5/29/75	Clerk's order granting appellant ext. to file brief to 40 days after action on suggestion for certification.
6/ 2/75	Reply of appellees to appellant's suggestion for certification of question to Supreme Court. (m-29)
6/ 2/75	Reply of appellees to appellant's motion for an ext. to 40 days after action on suggestion for certification. (m-30)
6/ 2/75	Opposition of appellant to appellees reply to suggestion for certification of question to Supreme Court (m-2)
6/16/75	Reply of appellant to response of appellees to opposition to reply to suggestion, etc. (m-16)
6/20/75	ORDER denying appellant's suggestion for certification to Supreme Court and directing appellant to file his brief within 40 days of this order. (Judges Reilly and Yeagley)
7/28/75	Petition for hearing en banc. (m-28) (Appellant)
7/30/75	Appellant's Brief. (m-30) List (m-4)
7/31/75	Opposition of appellees to petition for hearing en banc (m-30)

8/26/75	ORDER denying appellant's petition for initial hearing *en banc*. (Judges Reilly, Kelly, Fickling, Kern, Gallagher, Nebeker, Yeagley and Harris)
9/ 2/75	Motion of appellees for summary affirmance (m-27)
9/ 2/75	Motion of appellees to extend time to file brief to 30 days after ruling on motion for summary affirmance (m-27)
9/ 5/75	Reply of appellant to motion for summary affirmance. (m-8)
11/21/75	JUDGMENT affirming order of the trial court, without opinion. (Judges Kelly and Yeagley)
12/ 4/75	Petition of appellant for reconsideration and hearing en banc. (m-3)
12/23/75	ORDER denying appellant's petition for reconsideration and hearing *en banc*. (Judges Reilly, Kelly, Fickling, Kern, Gallagher, Nebeker, Yeagley, Harris and Mack).
12/31/75	MANDATE ISSUED
1/12/76	Notice of appellant of intention to file petition for writ of cert. (m-9)
1/12/76	Motion of appellant for leave to use original record. (m-9)

[SEAL]

by /s/ MARY K. ALLEN
Mary K. Allen, Deputy Clerk

Record filed–

No. 9103

DISTRICT OF COLUMBIA COURT OF APPEALS

January Term, 19 ___

WILLIAM A. BURLESON

Appellant,

v.

ROBERT L. FRIEDLI, AUGUST WOLFF and JOSEPH PASTORE, T/A FRIEDLI, WOLFF & PASTORE

Appellees.

The Clerk will enter my appearance as Counsel for the Appellant

I hereby certify that I am a member of the Bar of this Court.

(Signature) /s/ MICHAEL C. McGOINGS
(Print) /s/ MICHAEL C. McGOINGS
(Address) 1000 Pennsylvania Ave., S.E., Washington, D.C. 20003
(Phone No.) 544-4111

NOTE. Individual and not firm names must be signed.

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Superior Court of the District of Columbia

Civil Division

* * * * *

SETTLEMENT AGREEMENT

This case is settled during trial in open court upon the following terms and conditions, which are interdependent upon each other:

(1) The motion of the defendant to amend the counterclaim, although previously denied, is now granted in order that the assertions contained therein may be finally dealt with by this stipulation of settlement.

(2) As a condition to the settlement required by the defendant, the trial Court expresses as its view that the respective charges made by the private shorthand reporters herein for preparation and delivery of copies of transcripts of depositions is a fair and reasonable one, competitive in the prevailing market and in accord with the pricing policies in effect in the area.

(3) The monies paid into the Registry of the Court are, with the consent of all counsel and the Court, hereby authorized and directed to be paid to counsel for the plaintiff in full settlement of their claims expressed herein. The defendant is therefore released of all claims expressed herein and all claims which might inure against him arising in favor of plaintiffs prior to the date upon which this litigation was filed.

(4) All claims set forth by the defendant against plaintiffs herein, and all other claims which might have arisen

[Exhibit "A"]

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or which did arise in favor of defendant against these plaintiffs prior to the date the last defensive pleading herein was filed, are hereby forever dismissed and discharged with prejudice.

(5) This document constitutes a full and complete accord and satisfaction of all liquidated or unliquidated, vested or inchoate claims existing between the parties.

WILLIAM R. KEARNEY, Esq.

JUDGE

WILLIAM R. BURLESON, Esq.

NOTE: The Court and counsel for both sides initialed the original notes of the Court Reporter of the above.

Superior Court of the District of Columbia

The 16th Day of December, 1974

ROBERT L. FRIEDLI, AUGUST WOLFF, and JOSEPH J. PASTORE t/a FRIEDLI, WOLFF & PASTORE :

vs. : **No. CA-4672-74**

WILLIAM A. BURLESON :

The Clerk of said Court will release to plaintiff's attorney the monies deposited into the Registry of the Court in the above captioned case pursuant to the Settlement Agreement entered into on November 7, 1974, by consent of all counsel and the court.

/s/ EDWARD A. BEARD
Judge Edward A. Beard

/s/ WILLIAM R. KEARNEY
William R. Kearney, Esq.

Attorney for Plaintiffs

[EXHIBIT "A"]

Superior Court of the District of Columbia
Civil Division
Small Claims and Conciliation Branch
613 G Street, N.W.–Third Floor
Washington, D.C. 20001

FRIEDLI, *et al.* vs. Burleson
Plaintiff *Defendant*

No. SC 4285-74

The Clerk of said Court will Please enter my

appearance for Defendant

/s/ JULIAN KARPOFF
Julian Karpoff
1000 Penn. Avenue, S.E.
Washington, D.C. 20003
544-4111

Attorney for Defendant

SUPREME COURT, U. S.
FILED
JUN 2 1976
MICHAEL RODAK, JR., CLERK

BRIEF FOR RESPONDENTS IN OPPOSITION

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1353

WILLIAM A. BURLESON,
Petitioner,

v.

ROBERT L. FRIEDLI, AUGUST WOLFF, and JOSEPH J. PASTORE, Trading as Friedli, Wolff & Pastore,
Respondents.

On Petition for a Writ of Certiorari to the District of Columbia Court of Appeals

---

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Attorney for Respondents
22 West Jefferson Street
Rockville, Maryland 20850
Telephone: 762-4998

Of Counsel:

MORTON N. GOLDSTEIN
22 West Jefferson Street
Rockville, Maryland 20850

WILSON - EPES PRINTING CO., INC. - RE 7-6002 - WASHINGTON, D. C. 20001

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Fisher v. *United States* (1946), 328 U.S. 463 3

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Rosenthal v. *J. Leo Kolb, Inc.* (1953), 97 A. 2d 925 5

McGee v. *Marbury* (1951), 83 A. 2d 157 5

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Rules of the Superior Court of the District of Columbia, Rule 30(f) (2) 3

Other Authorities Cited

15 Am Jur 2d, Compromise and Settlement, Section 21 5

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1353

WILLIAM A. BURLESON,
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ROBERT L. FRIEDLI, AUGUST WOLFF, and
JOSEPH J. PASTORE, Trading as
Friedli, Wolff & Pastore,
Respondents.

On Petition for a Writ of Certiorari to the District of Columbia Court of Appeals

---

BRIEF FOR RESPONDENTS IN OPPOSITION

QUESTIONS PRESENTED

1. Whether this Court should exercise its jurisdiction to review by writ of certiorari a local rule of the Superior Court of the District of Columbia, of purely local application and significance, relating to the charges of private shorthand reporters for the taking, preparation and furnishing of copies of transcripts of depositions to attorneys.

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2. Whether this Court should exercise its jurisdiction to review by writ of certiorari a settlement of a lawsuit, for the collection of a $474.40 debt, which settlement occurred during the course of a jury trial, was approved by the parties, counsel and the Trial Court, resulting in the jury being dismissed with Petitioner's approval, and which settlement has been summarily affirmed by the District of Columbia Court of Appeals, (No. 3, Appendix).

COUNTER-STATEMENT OF THE CASE

This was originally a civil action for the collection of a $474.40 debt filed by the Respondents, a reporting company, against the Petitioner, an attorney-at-law, who practices in the District of Columbia. This action was initially filed in the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia on March 14, 1974, and thereafter certified to the Civil Division of the Superior Court of the District of Columbia. A jury trial was requested by Petitioner and on November 4, 1974, trial commenced. After four days of trial, a compromise and settlement was reached between the parties on all issues involved herein. After conferring with the parties, the Trial Judge dictated a Settlement Agreement into the transcript (No. 1, Appendix) in the presence of the parties who were given the opportunity to set forth their positions with respect thereto. Also, all parties were given the opportunity to make any changes, amendments, additions or qualifications to the Settlement Agreement. The terms of the Settlement Agreement were re-read by the court reporter and neither party made any changes with respect thereto. The Court as well as the Petitioner and counsel for Respondents personally initialed the original notes of the court reporter of the Settlement Agreement as dictated by the Court. The initialing by all parties including the Trial Judge, indicated full acceptance and affirmation of the

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terms and conditions of the Settlement Agreement by the parties and their willingness to be bound by the terms thereof. Thereafter, the Trial Court dismissed the jury with the approval of the Petitioner. Subsequently, the exact terms of the Settlement Agreement were transcribed by the court reporter. Petitioner then appealed to the District of Columbia Court of Appeals and filed his brief. Thereafter, the Respondents filed a Motion for Summary Affirmance requesting that the appeal be dismissed and that the Settlement Agreement be summarily affirmed. The District of Columbia Court of Appeals, on November 21, 1975, after having reviewed the record on appeal and Petitioner's brief filed therein, ruled that the Order on appeal be affirmed, (No. 3, Appendix).

REASONS WHY THE WRIT SHOULD BE DENIED

First, the record does not disclose any grounds for review conceivably falling within the standards and considerations governing review on writ of certiorari prescribed by Rule 19 of the Rules of this Court. The instant case involves nothing more than a small claims debt and a local rule of the Superior Court of the District of Columbia, Rule 30(f)(2), of purely local application and significance, relating to charges of shorthand reporters for copies of depositions furnished attorneys for litigants.

The Court has made it clear on many occasions that where, as here, it is confronted with a petition for a writ of certiorari involving nothing more than a matter of purely local significance, it will not, absent a clear showing of egregious error, exercise its jurisdiction. *Del Vecchio* v. *Bowers*, 296 U.S. 280, 285 (1935); *District of Columbia* v. *Pace*, 320 U.S. 698, 702 (1944); *Busby* v. *Electric Utilities Union*, 323 U.S. 72, 74-75 (1944); *Fisher* v. *United States*, 328 U.S. 463, 476-477 (1946);

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Griffin v. *United States*, 336 U.S. 704, 717-718 (1949), rehearing denied, 337 U.S. 921 (1949). There has been no showing of egregious error here.

Second, the record plainly indicates that this case has been previously settled and satisfied.

It is to be noted that in the Petitioner's Notice of Appeal, (No. 2, Appendix) he never mentioned that he was appealing from the Settlement Agreement that was dictated by the Trial Court and the court reporter's notes thereof, as initialed by the Petitioner. The Notice of Appeal states:

> "* * * from the judgment, order, decision, findings of fact and conclusions of law that the plaintiff's respective charges which brought about the payment of money into the Court, and made by the private shorthand reporters, plaintiffs herein, are fair and reasonable amounts, and entered into the Court Record November 7, 1974."

The Petitioner is trying to give the impression that he is appealing from something other than the Settlement Agreement which was voluntarily entered into at his request and which resulted in the jury being dismissed with his approval. It appears that what Respondent is really appealing from is paragraph two of the Settlement Agreement, wherein the Trial Court expresses its view relative to the respective charges made by the Respondents for the preparation and delivery of copies of transcripts of depositions. Paragraph two of the Settlement Agreement was included at the request of the Petitioner, and the Trial Court expressed its view that the respective charges made by the Respondents for preparation and delivery of copies of transcripts of depositions is a fair and reasonable one, competitive in the prevailing market and in accord with the pricing policies in effect in the area.

It is a well accepted principle of law in our judicial system that Courts favor settlement of litigation and compromise of disputed claims. *Magruder* v. *National Metropolitan Bank of Washington*, 40 A. 2d 828 (1945); *Rosenthal* v. *J. Leo Kolb, Inc.*, 97 A. 2d 925 (1953).

The general rule is that a compromise and settlement operates as a merger of and bars the right to recovery of any claim included therein. The compromise agreement is substituted for the pre-existing claims of rights, and the liabilities of the parties are measured and limited by the terms of the compromise agreement. *McGee* v. *Marbury*, 83 A. 2d 157 (1951).

A settlement voluntarily entered into cannot be repudiated by either party or set aside by the Courts, nor will a settlement be opened merely to inquire into the equities between the parties or because one of the parties has become dissatisfied. A valid compromise and settlement is final, conclusive and binding upon the parties and should not afterwards be inquired into and examined. 15 Am Jur 2d, Compromise and Settlements, Section 21.

In no sense then can this case be viewed as presenting a question of a magnitude to warrant the exercise of this Court's jurisdiction to review on writ of certiorari.

CONCLUSION

Upon the foregoing, it is respectfully submitted that the petition for writ of certiorari should be dismissed or, in the alternative, denied.

WILLIAM R. KEARNEY
Attorney for Respondents
22 West Jefferson Street
Rockville, Maryland 20850

Of Counsel:

MORTON N. GOLDSTEIN
22 West Jefferson Street
Rockville, Maryland 20850

APPENDIX

APPENDIX

APPENDIX

1. Settlement Agreement.
2. Notice of Appeal dated December 5, 1975, filed by Petitioner.
3. Judgment of the District of Columbia Court of Appeals, affirming Order on Appeal, filed November 21, 1975.

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA
CIVIL DIVISION

Civil Action No. CA 4672-74

ROBERT L. FRIEDLI, AUGUST WOLFF, JOSEPH J. PASTORE,
T/A FRIEDLI, WOLFF & PASTORE,
Plaintiffs,

vs.

WILLIAM A. BURLESON,
Defendant.

SETTLEMENT AGREEMENT

This case is settled during trial in open court upon the following terms and conditions, which are interdependent upon each other:

(1) The motion of the defendant to amend the counterclaim, although previously denied, is now granted in order that the assertions contained therein may be finally dealt with by this stipulation of settlement.

(2) As a condition to the settlement required by the defendant, the trial Court expresses as its view that the respective charges made by the private shorthand reporters herein for preparation and delivery of copies of transcripts of depositions is a fair and reasonable one, competitive in the prevailing market and in accord with the pricing policies in effect in the area.

(3) The monies paid into the Registry of the Court are, with the consent of all counsel and the Court, hereby authorized and directed to be paid to counsel for the plaintiff in full settlement of their claims expressed herein. The defendant is therefore released of all claims expressed herein and all claims which might inure against

him arising in favor of plaintiffs prior to the date upon which this litigation was filed.

(4) All claims set forth by the defendant against plaintiffs herein, and all other claims which might have arisen or which did arise in favor of defendant against these plaintiffs prior to the date the last defensive pleading herein was filed, are hereby forever dismissed and discharged with prejudice.

(5) This document constitutes a full and complete accord and satisfaction of all liquidated or unliquidated, vested or inchoate claims existing between the parties.

_____

WILLIAM R. KEARNEY, Esquire

_____

Judge

_____

WILLIAM A. BURLESON, Esquire

NOTE: The Court and counsel for both sides initialed the original notes of the Court Reporter of the above.

SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA
CIVIL DIVISION

No. CA 4672-74

ROBERT L. FRIEDLI, AUGUST WOLFF, and
JOSEPH J. PASTORE, T/A FRIEDLI, WOLFF & PASTORE,
918 - 18th Street, N.W., Washington, D. C.,
Plaintiffs

vs.

WILLIAM A. BURLESON,
1000 Pennsylvania Ave., S.E., Washington, D. C.,
Defendant

NOTICE OF APPEAL

Notice is hereby given that WILLIAM A. BURLESON appeals to the District of Columbia Court of Appeals from the judgment, order, decision, findings of fact and conclusion of law that the plaintiffs' respective charges which brought about the payment of money into the Court, and made by the private shorthand reporters, plaintiffs herein, are fair and reasonable amounts and entered into the court record November 7, 1974.

Names and address of parties
or attorneys to be served:

WILLIAM R. KEARNEY, ESQUIRE
KEARNEY AND GOLDSTEIN
22 West Jefferson St., Suite 308
Rockville, Maryland 20850

/s/ William A. Burleson
WILLIAM A. BURLESON #135-277
Pro se

1000 Pennsylvania Ave., S.E.
Address

Telephone No. 544-4111

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DISTRICT OF COLUMBIA
COURT OF APPEALS

JANUARY TERM, 1975

No. 9103

CA 4672-74

WILLIAM A. BURLESON,
Appellant,

v.

ROBERT L. FRIEDLE, *et al.*,
Appellees.

BEFORE: Kelly and Yeagley, Associate Judges

JUDGMENT

This cause came on for consideration on appellees' motion for summary affirmance, the responsive pleadings filed with respect thereto, and the court having reviewed the record on appeal and appellant's brief filed herein, it is

ORDERED and ADJUDGED that the order on appeal herein is hereby affirmed.

PER CURIAM

FOR THE COURT:

/s/ Alexander L. Stevas
ALEXANDER L. STEVAS
Clerk

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Copies to:

HONORABLE EDWARD A. BEARD
Judge, Superior Court of the District of Columbia.
Clerk, Superior Court of the District of Columbia.

WILLIAM A. BURLESON, ESQUIRE
1000 Pennsylvania Avenue, S.E. 20003

MESSRS. KEARNEY and GOLDSTEIN
22 West Jefferson St., Rockville, MD 20850

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1353

WILLIAM A. BURLESON,

Petitioner,

v.

ROBERT L. FRIEDLI, AUGUST WOLFF, and JOSEPH J. PASTORE
Trading as Friedli, Wolff & Pastore,

Respondents.

PETITIONER'S REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

RICHARD ARENS
1000 Pennsylvania Ave., S.E.
Washington, D.C. 20003
Attorney for Petitioner

Of Counsel:
Michael C. McGoings
1000 Pennsylvania Ave., S.E.
Washington, D.C. 20003

THE CASILLAS PRESS, INC.–1717 K Street, N. W.–Washington, D. C.–223-1220

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Invoice dated May 18, 1973, itemizing Respondents' charges	5a
Check depositing payment into the Registry of the Court, dated March 30, 1976, and receipt of payment by Superior Court, dated March 31, 1976	6a
Order, Judge Newman, dated January 28, 1976	7a
Order, Judge Hess, dated June 7, 1976	8a

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RULES OF COURT CITED

Federal Rule of Civil Procedure 30(f)(2) 1

Superior Court Civil Rule 30(f)(2) 5

Superior Court Civil Rule 201 3

AUTHORITIES CITED

Title 5 Appendix I Section II of the Federal Advisory Committee Act (Title 5 Appendix I Section II USCA (1972) 4

General Services Administration Transcripts, Court Reporting 3FP-AL-R-3617-6-12-74 4

Government of the District of Columbia – Invitation, Bid and Contract 0141-AA-75-0-4-HW 4

The Indigent Civil Plaintiff in the District of Columbia 235, 27 Fed. Bar J. 235 (1967) 4

Deposition Costs and the Client of Modest Means, pg. 145 by John R. Schmirtz, Jr. (Georgetown Law Center) . . 4

Oral Depositions: The Low Income Litigant and the Federal Rules 54 Va. Law Review Number 3, 391-427 (1968) 5

NSRA Committee on Rates and Charges Report of Survey-1974-Court Work, p. 453 5

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1353

WILLIAM A. BURLESON,

Petitioner,

v.

ROBERT L. FRIEDLI, AUGUST WOLFF, and
JOSEPH J. PASTORE
Trading as Friedli, Wolff & Pastore,

Respondents.

PETITIONER'S REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

REPLY TO QUESTIONS PRESENTED BY RESPONDENTS

The Federal Rules of Civil Procedure were also used in deposing parties; one of whom was charged for a Transcript copy pursuant to F.R.C.P. 30(f)(2) and is the subject matter of this present action (See App. No. 1 and Answer to Request for Admissions, Index to Record, pp. 281-300, D.C. Court of Appeals), and whose case is set for Trial on October 4, 1976.

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Respondents state incorrectly that all parties were given an opportunity to make any changes, amendments, additions or qualifications to the "Settlement Agreement". The parties did initial a steno tape in the Courtroom at the direction of the Trial Judge, (Trial Transcript of Nov. 7, 1974, p. 13, line 25), but the Petitioner does not read shorthand and cannot attest to the accuracy of what was initialed. Petitioner initialed the steno tape W.A.B. – Defendant (Trial Transcript of Nov. 7, 1974, p. 3, line 17), indicated that he was signing on behalf of himself, not his clients. (Trial transcript of Nov. 7, 1974, p. 13, line 9 - 11) and the Trial Judge indicated he would not close out the Appeal from his finding of reasonableness as to the Transcript cost, (Trial Transcript of Nov. 7, 1974, p. 7, line 10-14). The Trial Judge gave the Petitioner ten days to prepare an Order (Trial Transcript of Nov. 7, 1974, p. 8, line 20), and on November 8, 1974, the very next day, the Petitioner prepared a Praecipe and Order reflecting the terms of the Trial proceedings of the day before (See App. Nos. 2 & 3). The terms of these proceedings were *not* reread to *the parties* by the Court Reporter; in fact, the Trial Judge, while questioning the ability of the shorthand Reporter to transcribe accurately (Trial Transcript of Nov. 7, 1974, p. 13, line 3), *did not* have the Reporter read back what he had dictated. The Petitioner relied upon the *entire* Transcript of the proceedings which reflected there was no "Settlement Agreement", and on the Court's decision of its finding of reasonableness as to the copy Transcript charges. The Trial Court stated that the Petitioner made payment out of funds that were not Petitioner's personal monies, but funds that fell into his hands as a result of settlement in respect to which he exercised a fiduciary capacity, (Trial Transcript of Nov. 4, 1974, p. 22, line 19-22). Petition, in filing his Notice of Appeal relied upon the entire record being forwarded to the Appellate Court and upon the Court's

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statement that it would not close the Petitioner out from Appealing the Court's finding, (Trial Transcript of Nov. 7, 1974, p. 7, lines 10-14); and giving him ten days to have his Order typed up to give the parties an opportunity to look at it, (Trial Transcript of Nov. 7, 1974, p. 8, line 20, p. 12, lines 6-8). After the record had been typed up, Petitioner found out that an additional nine minutes of Court proceedings were kept out of the Trial Transcript, (Trial Transcript of Nov. 7, 1974, p. 2, lines 1-6 and Superior Court Civil Rule 201) but was informed that the Court Reporter had a tape recording of these nine minutes. In a subsequent proceeding, the Court of Appeals was informed that a tape recording had *not* been made. In an attempt to include the complete Transcript on Appeal, Petitioner submitted evidence in support of a complete Transcript to the Trial Judge and opposing Counsel, and also requested stipulations as to the missing portions of the Transcript, (Index to Record, p. 563, D.C. Court of Appeals). The Respondent denied and responded to the stipulations, (Index to Record, p. 508 & 568, D.C. Court of Appeals), admitted that he personally had a tape recorder in the Courtroom during these proceedings, but stated it was inoperative. The Trial Court took no action to ascertain the accuracy and completeness of the record. This procedure violated the requirement that all proceedings shall be simultaneously recorded by a stenographer under the direction of the Court. The Appellate Court, although it tried, was unable to obtain a complete record of these Trial Proceedings of November 7, 1974.

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ADDITIONAL DEPOSITS OF CLIENTS' FUNDS INTO COURT REGISTRY

On June 28, 1974, a Superior Court Judge signed an Order granting leave to deposit certain funds into the Registry of the Court, (See App. No. 4). Since that date individual's funds have been deposited into the Registry of the Court, and on March 31, 1976, an additional $63.83 was deposited on behalf of a litigant who is named as an individual who is charged copy costs of transcripts in this present action, (See App. Nos. 5, 6 and Answer to Request for Admissions, Index to Record, pp. 281-300, D.C. Court of Appeals).

The issue as to the reasonableness of charges for copies of depositions for the individual Litigants was fully argued andspresented at the Trial Court and the following authorities were placed in the record, (Motion for Summary Judgment with Exhibits, Index to Record, pp. 345-453, D.C. Court of Appeals:

> Title 5 Appendix I Section II of the Federal Advisory Committee Act (Title 5 Appendix I Section II USCA (1972).
>
> General Services Administration Transcripts, Court Reporting 3FP-AL-R-3617-6-12-74.
>
> Government of the District of Columbia – Invitation, Bid and Contract of 0141-AA-75-0-4-HW.
>
> The Indigent Civil Plaintiff in the District of Columbia 235 27 Fed. Bar. J. 235 (1967).
>
> Deposition Costs and the Client of Modest Means, pg. 145 by John R. Schmirtz, Jr. (Georgetown Law Center).

Oral Depositions: The Low Income Litigant and the Federal Rules 54 Va. Law Review Number 3, 391 - 427 (1968).

NSRA Committee on Rates and Charges Report of Survey-1974-Court Work.

SUBSEQUENT INTERPRETATIONS OF RULE 30(f)(2) BY SUPERIOR COURT JUDGES

On January 28, 1976, a Superior Court Judge held that charges of $0.80 per page for third copy was not in violation of Rule 30(f)(2), (See App. No. 7).

On June 7, 1976, in his interpretation of Rule 30(f)(2), another Superior Court Judge held that the original Transcripts are in the file at the Courthouse and are available for perusal by all parties, (See App. No. 8).

CONCLUSION

The Respondent has chosen not to comment on question number 1 of the Petition, nor on item A in support of reasons for granting the Petition for a Writ of Certiorari.

Petitioner resepctfully asks this Court to Order up the record below, grant his Petition for Certiorari to correct this abuse of Judicial Process in the denial of his Constitutional Rights, and to establish guidelines for determining

reasonableness of charges for copies of depositions Pursuant to Rule 30(f)(2).

Respectfully submitted,

RICHARD ARENS
Attorney for Petitioner
1000 Pennsylvania Avenue, S.E.
Washington, D.C.

Of Counsel:

Michael C. McGoings
1000 Pennsylvania Avenue, S.E.
Washington, D.C.

June, 1976.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

HENRY J. WADDELL
Plaintiff(s)

vs. Civil Action No. 2207-70

PEPSI COLA COMPANY
Defendant(s)

NOTICE OF THE TAKING OF DEPOSITION
UPON ORAL EXAMINATION UNDER
RULE 30 OF THE FEDERAL RULES
OF CIVIL PROCEDURE

Please take notice that Counsel giving this notice in behalf of his client will take the deposition of the parties and/or witnesses listed below at the times set opposite their names, at 1215 Nineteenth Street, N.W., Washington, D.C., before Friedli, Wolff & Pastore, Shorthand Reporters, or any other authorized notary public in and for the District of Columbia. Said examination will be for the purpose of discovery or as evidence in this action, or both, pursuant to the provisions of Rule 30 of the Federal Rules of Civil Procedure.

Persons to be deposed	Date	Time
Henry J. Waddel	Monday, April 27, 1970	4:00 P.M.

GALIHER, STEWART & CLARKE
By William E. Stewart, Jr.
1215 Nineteenth Street, N.W.
Washington, D.C. 20036
FEderal 7-8330
Attorneys for Defendant

[CERTIFICATE
OF SERVICE]

SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
Civil Division
The 8th Day of November, 1974

ROBERT L. FRIEDLI, AUGUST WOLFF AND JOSEPH J. PASTORE, T/A FRIEDLI, WOLFF AND PASTORE

Plaintiffs

vs. No. CA 4672-74

WILLIAM A. BURLESON

Defendant

The Clerk of said Court will enter a dismissal with prejudice of plaintiffs' claim against defendant and a dismissal with prejudice on defendant's amended counterclaim against plaintiffs, entered into by the parties herein on Thursday, November 7, 1974.

WILLIAM A. BURLESON WILLIAM R. KEARNEY

SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division

ROBERT L. FRIEDLI, AUGUST WOLFF,
and JOSEPH J. PASTORE
T/A FRIEDLI, WOLFF & PASTORE
Plaintiffs

vs. Civil Action No. 4672-74

WILLIAM A. BURLESON
Defendant

ORDER

The Court finds that the charges for copies of the transcripts of the depositions made by plaintiffs are reasonable. It is therefore, this _____ day of November, 1974,

ORDERED and ADJUDGED that the monies deposited by the defendant in the Registry of the Court be disbursed to the plaintiffs.

_____
JUDGE

SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
Civil Division

FRIEDLI, WOLFE and PASTORE,
T/A Friedli, Wolfe & Pastore,
Plaintiffs

vs. CA No. CA 4672-74

BURLESON,
Defendant.

ORDER.

AND NOW, the matter having come before the Court upon motions of Julian Karpoff, Esq., on behalf of defendant and it appearing that no opposition has been timely filed, it is hereby, by the Court, this 28th day of June, 1974,

ORDERED, that defendant be, and he hereby is, granted leave to deposit certain funds with the Court Registry; and it is further

ORDERED, that defendant be, and he hereby is, granted leave to file an Amended Counterclaim within ten (10) days from the date of this Order.

Date: June 28th, 1974.

/s/ LUKE MOORE
Luke Moore
Judge

[CERTICICATE OF SERVICE]

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STENOTYPE AND SHORTHAND REPORTERS
910 16TH STREET, N.W., WASHINGTON, D.C. 20006
TEL NO. 33[illegible]
PHONES NA [illegible] NA 8-1982

042259

JOHNSON $61.06

STATEMENT DATE
18 May 1973

Julian Harroff, Esq.
1000 Pennsylvania Ave., S.E.,
Washington, D. C.

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In re: Johnson, et al vs. Lenz, et al
Deposition of Patricia Mary Lenz

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Tax	[illegible]
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042259

STATEMENT

62.89
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63.83

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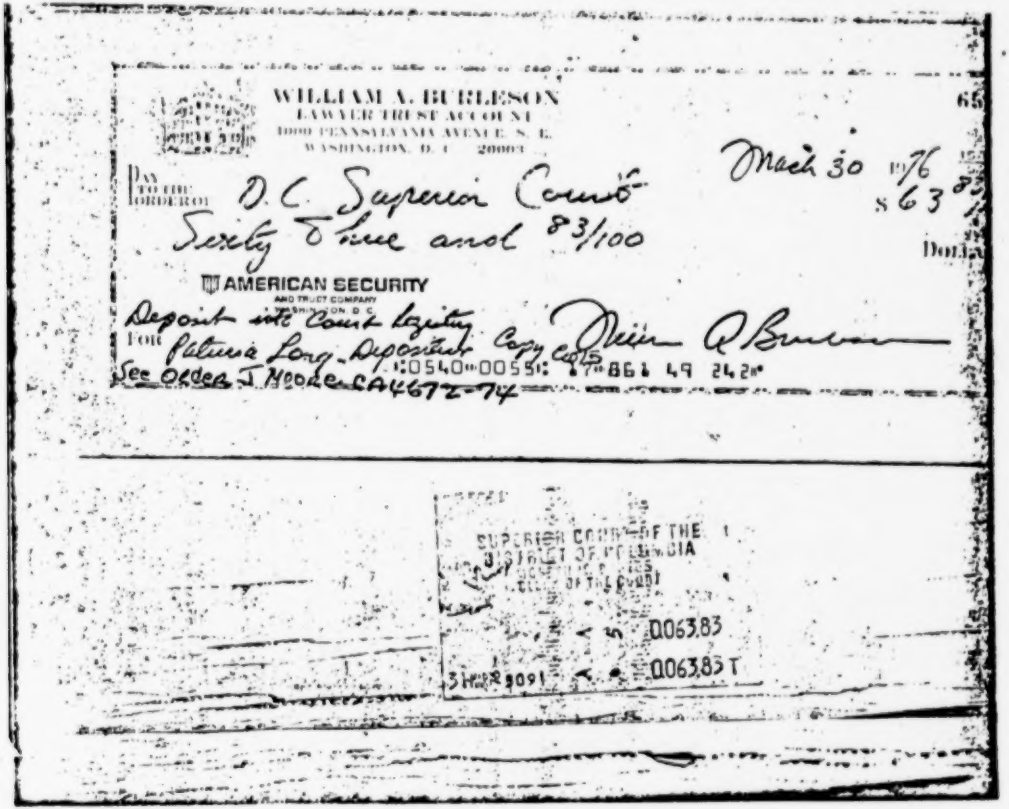

WILLIAM A. BURLESON
LAWYER TRUST ACCOUNT
1000 PENNSYLVANIA AVENUE, S. E.
WASHINGTON, D. C. 20003

65

March 30 19 76

PAY TO THE ORDER OF D.C. Superior Court $ 63.83

Sixty three and 83/100 Dollars

AMERICAN SECURITY AND TRUST COMPANY
WASHINGTON, D. C.

Deposit with Court Registry
FOR Palma Long - Deposit Copy Costs

See Order J. Moore CA4672-74

:0540=0055: 17 861 49 24 2m

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

SETTLES
Plaintiff

v. No. CA 7224-74

ELLIOTT
Defendant

ORDER

Upon consideration of the oral motion re transcript filed by as reflected in pre-trial order etc. and after hearing argument on behalf of all parties concerned, it is by the Court this 28th day of Jan., 1976,

ORDERED:

(1) That the motion be, and it is hereby, denied.

(2) That the Court finds that the charges of Harkin-Columbia are not in violation of Rule 30(f)(2) re 80¢ per page for third copy.

/s/ THEODORE NEWMAN
Theodore Newman
Judge

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SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA

CHARLOTTE HENDERSON
Plaintiff

vs. Civil Action No. 7225-74

HELEN WALKER DIGGS
Defendant

PRE-TRIAL PROCEEDINGS

STATEMENT OF NATURE OF CASE:

* * * * *

8. Plaintiff, citing Rule 30(f)(2) of the Rules of this Court, asked that copies of various transcripts of depositions be made available to her at a rate less than that provided by the Rules of this Court. Copies of these transcripts are in the Court file and are available for perusal by all parties. Consequently, this motion is denied.

Dated June 7, 1976.

Original signed by John R. Hess
Judge John R. Hess
Pre-Trial Judge